

**REMARKS**

Claims 1-23 have been examined. With this amendment, Applicant adds claims 24-31.  
Claims 1-31 are all the claims pending in the application.

**I. Formalities**

Applicant thanks the Examiner for acknowledging the claim for foreign priority under 35 U.S.C. § 119 and for confirming receipt of the certified copy of the priority document.

Applicant also thanks the Examiner for indicating that the Formal Drawings filed on February 11, 2002 have been accepted.

**II. Claim Rejections - 35 USC § 103**

The Examiner rejected claims 1-2, 4-7, 10-14, 16-19, and 21-23 under 35 U.S.C. § 103(a) as being unpatentable over Asakura (JP 408137413A) [“Asakura”]. For at least the following reasons, Applicant traverses the rejection.

Claim 1 recites an inspecting method for a light source of an image reader that comprises “forming an inspection image representing a light-emission state of each of said light emitting elements on the basis of said photoelectric signal [and] displaying said inspection image which includes marks deposited correspondingly to positions of said respective light emitting elements.” (emphasis added). Applicant submits that this feature enables easy identification of a malfunctioning light emitting element and also ensures the objectivity of the inspection.

Applicant submits that Asakura does not disclose or suggest forming the claimed inspection image which includes marks corresponding to positions of the light emitting elements. The possible use of a CCD camera would not teach the claimed inspection image since the CCD camera may only capture the average signal of the horizontal train of LEDs, not the claimed

marks corresponding to the respective positions. Since Asakura contemplates changing a train of LEDs (see Constitution), Applicant submits that the claimed marks are not needed by Asakura and therefore, the claimed subject matter is not obvious over Asakura.

Because independent claim 6 recites features similar to those recited above, Applicant submits that claim 6 is patentable for at least reasons similar to those given above with respect to claim 1.

Claims 13 recites “automatically judging whether [the] light source is defective or not” (claim 18 recites a similar feature). The Examiner contends that this feature is old and well known in the art, but does not provide any support in the prior art for his speculations.

To establish *prima facie* obviousness, all claim limitations must be taught or suggested by the prior art. MPEP 2143.03. Applicant submits that “general conclusions concerning what is ‘basic knowledge’ or ‘common sense’ to one of ordinary skill in the art without specific factual findings and some concrete evidence in the record to support these findings will not support an obvious rejection.” (emphasis added). MPEP 2144.03 at 2100-137. Further, the Examiner’s speculation does not provide evidence in the record as required by *Zurko*. See *In re Zurko*, 59 USPQ2d 1693 (Fed. Cir. 2001).

Because Asakura does not teach or suggest automatically judging whether the light source is defective or not, Applicant submits that there is no motivation for one skilled in the art to provide the claimed feature.

In addition, “assertions of technical facts in areas of esoteric technology or specific knowledge must always be supported by citation to some reference work recognized as standard in the pertinent art.” MPEP 2144.03 at 2100-136. Applicant submits that the claimed automatic

judgment as set forth in claims 13 and 18 qualifies as esoteric technology and specific knowledge.

Applicant submits that claims 2, 4, 5, 7, 10-12, 14, 16, 17, 19, and 21-23 are patentable at least by virtue of their respective dependencies.

In addition claims 10 and 21 recite “light emitting elements for emitting infrared rays.” The Examiner contends that one skilled in the art would have applied the inspection method of Asakura to the infrared light emitting elements. Again, the Examiner merely provides speculations without support in the prior art for his contentions.

Applicant submits that such speculation is improper because there is no support in the prior art and therefore, does not support an obvious rejection.

Claims 2, 7, 14 and 19 recite a “detachable diffusion member.” The Examiner contends that the diffusion member has to be removed in order to inspect the light sources and that it would have been obvious to remove them in order to detect defects in the light sources easily and efficiently.

Applicant submits that it is not inherent that the diffuser has to be removed in order to detect a defective light source since an average value of the light signal can be used to detect a defective light source instead of individual elements. Therefore, Applicant submits that the Examiner’s contention is wrong.

In addition, the Examiner does not provide any support in the prior art for his contention that detection of defects would be easier and more efficient by removing the diffuser. Accordingly, Applicant submits that the Examiner has not made a *prima facie* case of obviousness.

The Examiner has rejected claims 3, 8-9, 15, and 20 under 35 U.S.C. § 103(a) as being unpatentable over Asakura in view of what is commonly known in the art. For at least the following reasons, Applicant traverses the rejection.

Applicant submits that these claims are patentable at least by virtue of their respective dependencies.

In addition, the Examiner concedes that the claimed image-forming lens recited in these claims is not disclosed by Asakura but contends, without providing any support in the prior art, that this feature is well known in the art.

Applicant submits that, for the reasons given above with respect to claims 13 and 18, such speculation is improper because there is no support in the prior art and therefore, does not support an obvious rejection.

### **III. New Claims**

With this amendment, Applicant adds claims 24-31. Applicant submits that these claims are patentable at least by virtue of their respective dependencies, as well as the features set forth therein.

### **IV. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment Under 37 C.F.R. § 1.111  
U.S. Serial No. 10/071,182

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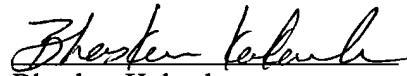
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**23373**

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